

Remarks

1. Claims 21-29 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In particular, these claims employ the phrases "navigating the images in a systematic way" and "selecting thumbnail image from an array of thumbnail images." Applicant respectfully disagrees.

Support for the first of these two phrases comes from paragraphs [0011] and [0035]. Specifically:

[0011] Another important feature of the present invention is the use of computer image management techniques to allow a user to navigate the images of a patient's skin. Moving from one image to the next is a simple matter of clicking on the images to open and close them and to scroll in order to survey them quickly. The thumbnail images are presented in a rational order and one can move through them one-by-one or go immediately to the one of interest and, in a few actions familiar to users of conventional software applications, be viewing a particular mole at high-resolution. The use of computer image management techniques also allows the user to keep track of what portion of the patient's skin the user is viewing and provides a systematic approach to examination. This is particularly true when a patient has several sets of images done in a consistent way over time and especially when the patient has a large number of moles. The present image management techniques make it much easier to detect changes in the same mole on sequential photographs.

[0035] The software allows high-speed management of the images for part of the examination of the patient. This means that the photographic images are organized and can be selected, compared, annotated, enlarged and adjusted easily and conveniently by the user so that the user can navigate through the patients' sets of skin images, examining easily and accurately all moles of interest to detect those that have change and are therefore candidates for excision. Management also means that the images are preserved unaltered and left as organized as they were originally after examination.

Applicant has amended the word "array" to --set-- in claims 22 and 23 to remove any section 112 second paragraph indefiniteness by the choice of array in claims 22 and 23. Support for the phrase "set of images" comes from a number of paragraphs, including for example, paragraphs [0009], [0018], [0057], [0072], [0074] and [0075].

2. Claims 14-17 and 20-28 stand rejected under 35 USC §103(a) as unpatentable over Kenet et al in view of Imran et al and in further view of Madden et al. The rejection is respectfully traversed in view of the amendments to the claims.

Kemet et al, according to the office action, teaches all that is claimed in claims 21 and 22 except that that the software application is carried on a portable digital memory storage device. However, it is respectfully submitted that the office action overlooks many other differences between the invention claimed by applicant and that disclosed by Kenet et al.

Simply put, Kenet et al teach an apparatus and method for comparison of a live image of a single portion of a patient's skin with a reference image of the same portion of skin stored in the memory of a computer. The comparison allows a dermatologist to see one image superimposed on or "intermingled with" the other image. In this way, differences between the two images are made manifest.

Kenet et al do not teach storage of a set of reference images showing all of the skin of a patient; nor do Kenet et al teach a digital storage device that includes both the set of images and the software for viewing and managing that set of images so that they may be viewed and managed on a general purpose computer. Indeed, Kenet et al does not teach comparison of two reference images.

Imran et al teach a hand held ultrasound device. Imran et al is combined with Kenet et al because the former teach a portable memory storage device. However, Imran et al actually teach a handheld computer rather than a self-contained, self-launching portable digital memory storage device that includes both images and the software for viewing them so that the device may be used on a general purpose computer.

Madden et al teach a system for making a record of the results of a dermatological examination of a patient's skin. This system includes making a three-dimensional map of the patient's body, complete with a grid system and reference points, using low-resolution images, and then associating high resolution images of particular skin lesions to specific locations on that grid that correspond to the locations on the patient where those lesions are found.

Those of ordinary skill would not be motivated to modify Kenet et al in view of Imran et al and Madden et al. Moreover, modification of Kenet et al in view of Imran et al and Madden et al does not make Applicant's invention obvious, absent impermissible hindsight.

First, Madden et al clear and expressly teach away from the present invention. Madden et al note that to have diagnostic quality images (i.e., 5 megapixel images) of the entire skin of a patient, over 200 high resolution images would be needed with the attendant burdens on memory and processing capability (see paragraph [0004]. Then Madden et al add that much of the skin of a patient is not "diagnostically relevant." Accordingly, even if those of ordinary skill in the art were willing to take on the burden of additional memory and processing capability to deal with the large numbers of high resolution images, there is little point to doing so as many are not diagnostically relevant, according to Madden et al. Presumably, those portions that are found to be relevant, presumably through a dermatological examination, are imaged in high resolution photographs. Thus, in view of the express teaching of Madden et al, those of ordinary skill would reject as *unnecessary and burdensome and irrelevant*, Applicant's approach that is based on a set of images of the entire skin of the patient.

Second, those of ordinary skill in the art, knowing the teachings of Kenet et al, Imran et al and Madden et al, are far more likely to simply produce a hand held device of Imran et al that is able to operate the system of Madden et al, with perhaps also the ability to compare the high resolution images of Madden et al with a live image as taught by Kenet et al. But that is not, of course, Applicant's claimed invention.

3. Claim 29 is rejected under 35 USC §103(a) as unpatentable over Kenet et al, Imran et al and Killcommons et al. The rejection is respectfully traversed in view of the amendment of the base claim from which claim 29 depends.

There remarks set forth above with respect to Kenet et al and Imran et al apply here as well. In addition, Claim 29 is rejected based on the teachings of Killcommons with respect to the capability of showing the images in reverse per col. 14, lines 56-63 (Applicant respectfully suggests that the office action intended to indicate col. 13, lines 56-63). Killcommons does not teach reversing the images but only showing a sequence of images in reverse order. The images, shown in regular order or reverse order, are not reversed images. Applicant provides an image reversing procedure so that a patient can examine his or her own back, for example, and to compare the images reversed by the software with those reversed by a mirror. This feature is not taught or suggested by Killcommons et al and is not obvious in view of them.

4. It is believed all issues in the office action have been addressed by the amendments and remarks presented, and that the present application is in condition for allowance. If any issue remains, the Examiner is requested to contact the Attorney for the Applicant at the telephone number provided below.

Respectfully submitted,


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